

3. RESPONSE/REMARKS

3.1 STATUS OF THE CLAIMS

Claims 1, 3, 10-14, 16, 17, 19, 20, 24, and 32-42 were pending at the time of the restriction requirement.

Claim 3 has been canceled without prejudice or disclaimer.

Claims 33-42, drawn to non-elected inventions, have been withdrawn from consideration on the merits.

Claims 1, 24 and 32 have been amended herein.

Claims 43-47 have been added herein.

Claims 1, 10-14, 16, 17, 19, 20, 24, and 32-47 are now pending in the case.

3.2 SUPPORT FOR THE CLAIMS

Support for the pending claims can be found throughout the original specification, claims, and figures as filed. Certain typographical and/or grammatical errors have also been corrected by amendment to the Specification as noted in Section 1 of the present submission. It is Applicants belief that no new matter is included by entry of the present amendment. Should any fees be due for any reason in connection with the present submission, including the addition of claims 43-47, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 08-1394, Order No. 36689.42.

3.3 RESTRICTION AND ELECTION

The Office has taken the position that the pending claims are drawn to six inventions that are allegedly not linked so as to form a single general inventive concept under 35 U. S. C § 121.

The inventions set forth by the Office are as follows:

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| Group I | Claim 3, and in part, claims 1, 10-14, 16, 17, 19, 20, 24, and 32 drawn to an AAV comprising sequence expressing a serpin; |
| Group II | Claims 1, 10-14, 16, 17, 19, 20, 24, and 32, all in part, drawn to an AAV comprising sequence expressing a cytokine; |
| Group III | Claims 33-42, in part, drawn to a method for treating a disease with an AAV virion expressing a serpin; |
| Group IV | Claims 33-42, in part, drawn to Group III, claims 33-42, drawn to a method for treating a disease with an AAV virion expressing a cytokine; |
| Group V | Claims 41 and 42, in part, drawn to a method for treating a disease with a mammalian cell transfected with an AAV expressing a serpin; and |
| Group VI | Claims 41 and 42, in part, drawn to a method for treating a disease with a mammalian cell transfected with an AAV expressing a cytokine. |


Applicants hereby elect, without traverse, to prosecute the subject matter of the **Group II invention**. Claims directed to the non-elected inventions have been withdrawn from consideration without prejudice or disclaimer. New claims have been added that are consonant with the present restriction election. Applicants explicitly reserve the right to re-file claims directed to the non-elected subject matter in suitable divisional(s) and/or continuing application(s) as desired.

3.4 CONCLUSION

Applicants believe this to be a full, timely, and complete response to the outstanding Official Action. It is respectfully submitted that the pending claims are fully supported by the Specification, and are proper for initial examination on the merits.

Should the Examiner have any questions, or wish to discuss Applicants' election in more detail, a telephone call to the undersigned Applicants' representative would be welcome, particularly in advance of any subsequent action on the merits.

Respectfully submitted,



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I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on March 30, 2007.


Autrey Brown